IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 3382 OF 2007

Sopan Limbraj Khadake ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Ujwal Agandsurve, Advocate for the applicant.

Ms S. D. Shinde, A.P.P for the respondent.

CORAM: V.C. DAGA,J.

DATED: 30.10.2007.

P.C.

1. Heard learned counsel for the applicant and the learned APP for the State.

2. Perused the application and the material available on record.

3. The applicant-original accused in C. R. No. 71 of 2007, registered with Temhurni Police Station, District Sholapur for the offence under Sections 147, 148, 326, 324, 504 read with Section 149 of the I.P.C., is seeking anticipatory bail under Section 438 of the Cr.P.C.

4. Learned counsel for the applicant submits that co-accused Tukaram Ramchandra Khadake has already been granted anticipatory bail under

Section 438 of the Cr.P.C. under order dated 28-9-2007 passed in Criminal Misc. Application No. 998 of 2007 by learned Sessions Judge, Sholapur. He, thus, submits that applicant-accused be released on parity.

5. The aforesaid prayer is opposed by learned A.P.P. She has pointed out two statements of witnesses; one of Anant Dagdu Khadke and another of Deshmukh. Both of them implicate the present applicant-accused and through their statements. Case of the present applicant cannot be said to be at par with that of Tukaram. The role of the present applicant and Tukaram Khadake seems to be quite different. The smooth investigation cannot be allowed to suffer, at this stage. In this view of the matter, it would not be in the interest of prosecution to enlarge the applicant on anticipatory bail.

6. I find no reason to take view contrary to the view taken by learned Sessions Judge,Sholapur while rejecting prayer for bail of the present applicant in M. A. No. 998 of 2007.

7. In the result, the present application stands rejected.

8. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(V.C.DAGA,J)